

REMARKS

Claims 18-34 are presented for the Examiner's review and consideration. Applicant believes the claim amendments and the accompanying remarks, herein, serve to clarify the present invention and are independent of patentability. No new matter has been added.

35 U.S.C. §112 Rejections

Claims 18-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term "filing material" in claim 18 has been amended to read as "filling material" to overcome the rejection.

35 U.S.C. §102(b) Rejections

Claims 18-25, 27, 28, and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by Danova (U.S. Patent No. 5,084,930). For reasons set forth below, Applicant respectfully submits that this rejection should be withdrawn.

Danova discloses a soft-sculptural creature with a blanket attached that can be removably stuffed into the soft-sculptural creature. (Abstract). The soft-sculptural creature 12 is shown exemplified by a bear including a head 34 and a torso 36. (Col. 2, lns. 40-41). The head is made of a first, front layer 38 and a second, rear layer 40. (Id). The layers are secured together about their respective outer peripheries 42 except at a location adjoining the torso, where the two layers remain unattached so as to provide a neck opening 44 into the interior 46 of the back half of the head. (Id). The torso 36 also has a front layer 62 and a rear layer 64. (Col. 3, lns. 32-33). A blanket 14 is joined to the soft-sculptural creature 12 by holding the front and rear layers 62,64 of the torso 36 apart and inserting the top edge 26 of the blanket 14 between them. (Col. 3, lns. 65-69). When the blanket 14 is being used as a cover, the rear layer 64 of the torso may either hang down against the underside 18 of the blanket 14, or, preferably, it may be rolled, folded or wadded-up and stuffed into the head cavity 46, so that both the front and back of the head 34 are plumped-out and apparently stuffed. (Col. 4, lns. 51-58). When the blanket 14 is not being used

as a cover, the rear layer 64 of the torso is unstuffed from the head cavity 46, and the blanket is rolled, folded and/or wadded-up so that the upper part 104 of the folded blanket can be stuffed into the head cavity 46 and the lower part is confined in the cavity 102 between the front and rear panels 62,64. (Id). This process completely encloses the blanket 14 in the bear and simultaneously provides a stuffing for the soft-sculptural creature. (Id).

Thus, Danova discloses a partially hollow toy into which an integral blanket can be rolled up and stored. Specifically the toy has head that has a front half that remains stuffed and a second half that has a hollow cavity. The toy also has a torso with two layers, and a blanket is inserted between the two layers of the torso. The blanket is made of a webbing type of material and it does not comprise a hollow textile fabric envelope that has a hollow interior of rectangular shape with an integral pocket extending beyond one edge of the rectangular shape for receiving an infill material.

In contrast, the present invention discloses a bed cover 12 comprising an outer envelope 13 made of a textile fabric that has a main portion 14 of generally of rectangular shape and a second portion 15 that projects beyond an edge of the rectangular portion 14 towards the top of the bed. (See Figure 2). The envelope 13 contains an infill 16 of feathers or textile filaments or fibres. (§0014 Printed Pub). It is preferred that that the infill 16 is in the form of a duvet or quilt 16 that is of a complementary shape to that of the envelope 13 so as to cover the bed 9 and the occupants when lying in the bed, and form an integral comforter 17. (Id).

Claim 1, as amended, is directed to a bed cover comprising an envelope made of a textile fabric which has a hollow interior for receiving a filling material. The hollow interior is of a generally rectangular shape and further comprises an integral pocket that extends beyond the top edge of the rectangular shape to define a comforter for the occupant to cuddle.

With respect to claim 1, Danova, as described above, does not disclose a cover having a hollow interior for receiving filling material. Instead, Danova discloses a stuffed bear with hollow sections for receiving the cover/blanket. Although the cover/blanket is disclosed to have a filling of conventional batting (Col. 2, lns. 36-37), this conventional batting is not capable of being removed. Thus, Applicant's cover is advantageous because various filling materials can be utilized. Furthermore, the filling material can be removed to clean the cover or put in a different

filler material. Also, the cover/blanket disclosed in Danova must be of a thin material and filling to be able to fit inside the bear, while the cover of Applicant's invention can be capable of various thicknesses.

Accordingly, Applicant respectfully submits that independent claims 18, as amended, is patentable over Danova. As claims 19-34 depend from claim 1, these dependent claims necessarily include all the elements of their base claim. Accordingly, Applicant respectfully submits that these dependent claims are allowable over Danova for the same reasons.

Allowable Subject Matter

Claims 26, 29, and 31-34 would have been allowable if rewritten in independent form, but they were objected to as being dependent upon a rejected base claim. Applicant has rewritten claims 26, 29, and 31 in independent form and has included all of the limitations of their base claim and any intervening claims. Accordingly, Applicant respectfully submits that independent claims 26, 29, and 31 are allowable.

Accordingly, as claims 32-34 depends from claim 31, these dependent claims necessarily include all the elements of their base claim. Accordingly, Applicant respectfully submits that these dependent claims are allowable.

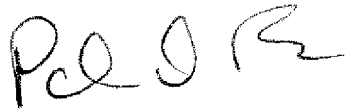
Conclusion

In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested.

If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee for one extra independent claim is believed to be due. However, please charge any required fee (or credit overpayments) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7046-X06-002).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. D. Bianco', with a stylized flourish at the end.

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